

REMARKS

Entry of the foregoing, re-examination and reconsideration of the subject matter identified in caption, as amended, pursuant to and consistent with 37 C.F.R. §1.112, and in light of the remarks which follow, are respectfully requested.

By the present amendments, the specification and claim 8 have been amended. Claims 1-7 and 9 have been canceled without prejudice or disclaimer. Claims 8 and 11-15 are currently pending in this application with method claims 11-15 withdrawn from consideration on the merits.

Turning to the Office Action, the specification was objected to for the reasons given in paragraph (2) of the Action. In response, the terminology objected to on pages 1 and 4 of the specification has been amended. Regarding the citation on page 2, line 14, further information is being sought and will be submitted at a later date.

Claim 8 was rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 6,444,773 to Markel for the reasons set forth in paragraph (5) of the Office Action. Reconsideration of this rejection is respectfully requested in view of the above amendments and for at least the following reasons.

Claim 8 has been amended to specify that the weight average molecular weight of the claimed polymers ranges from 600 to 3500. Support for the new upper limit may be found, for example, on page 15, lines 8-11 of the specification.

Markel '773 discloses macromers prepared by polymerizing ethylene in the presence of a metallocene/MAO. As shown in Table 2, the weight average molecular weight (Mw) of the resulting polymers is at least 4710 (Example 7). This is significantly above the upper limit in claim 8, as amended.

Accordingly, the §102(e) rejection over Markel '773 should be withdrawn since the reference does not disclose or suggest polymers having a molecular weight of 600-3500. Such action is earnestly solicited.

Claims 8 and 9 were rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 5,475,075 to Brant et al. for the reasons given in paragraph (6) of the Office Action. Reconsideration and withdrawal of this rejection are requested in view of the above amendments and for at least the reasons which follow.

Claim 9 was canceled without disclaimer or prejudice. Claim 8 was amended to specify that the olefins range from 2 to 8 or 4 to 8 carbon atoms. Support for this amendment may be found, for example, on page 12, lines 20-21.

Brant et al. '075 discloses copolymers of ethylene and an α -olefin of at least 10 carbon atoms. Note column 3, lines 47-54 (C_{10} - C_{100}) and claim 1 (C_{10} - C_{30}) thereof. In contrast, claim 8 specifies a range of α -olefin of no more than 8 carbon atoms.

Accordingly, the §102(b) rejection over Brant et al. '075 should be withdrawn since the reference neither discloses or suggests using an α -olefin of 2-8 or 4-8 carbon atoms. Such action is respectfully requested.

Claims 1-7 were rejected under 35 U.S.C. §102(e) as anticipated by or, alternatively, under 35 U.S.C. §103(a) as obvious over Markel '773 for the reasons provided in paragraph (7) of the Office Action. Claims 1-7 were also rejected under 35 U.S.C. §102(b) as anticipated by or, alternatively, under 35 U.S.C. §103(a) as obvious over Brant et al '075 for the reason given in paragraph (8) of the Office Action. Also, claim 9 was rejected under 35 U.S.C. §103(a) as obvious over Markel '773 for the reasons set forth in paragraph (9) of the Office Action.

While not admitting the propriety of these rejections, claims 1-7 and 9 have been canceled without prejudice or disclaimer to expedite prosecution of this application. Accordingly, these rejections have been obviated and should be withdrawn.

From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order and such action is earnestly solicited. If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned at (703) 838-6613.

Respectfully submitted,

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